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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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cc: Peggy
Jim
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Ref: EPR

Mr. Gordon Sullivan
143 Crossway Avenue
Libby, Montana 59923

JUN 24 2005

Dear Mr. Sullivan:

When you and I talked by telephone last week, I committed to look into the issues you had raised and get back to you. I understand you also communicated with a number of other EPA and state government officials to register your complaints. To help ensure that there are no misunderstandings, and because of my schedule, I have elected to respond to your call in this letter. I am out of the office on official business for the next six work days, and I wanted to get you an answer as quickly as possible. For ease of discussion, I have grouped your comments together under common headings, which reflect my understanding of what you said.

EPA has ignored public input, and the public does not support EPA actions. You argued that EPA had ignored the public's input in Libby and stated that Libby residents did not understand the clean up program and had lost faith in EPA. The EPA contractor in Libby conducted a survey of persons whose houses have been cleaned up, and 93% rated the work done in their house as "satisfactory" or higher. Additionally, in a recent bulk mailing survey to the residents of Libby and Troy, over 70% of the respondents said that they were sufficiently aware of what is going on and were satisfied with EPA's work. Each of the last three EPA Administrators, two appointed and one acting, have visited Libby and conducted public meetings; I was there for two of those meetings, as well as informal discussions with a number of citizens. The current administrator has committed to visit Libby.

EPA attempts to reach the Libby public in many ways, such as through the newspaper, mailings, and by having an open door policy both at public meetings and at the Information Center in Libby. EPA has used public comment to change the course of the cleanup in several ways. This includes using the TAG's input to revise the Remedial Investigation Sampling Plan and to create a strategic sampling plan for building demolition. Additionally, EPA has begun using local contractors to assist in homeowners disputes related to restoration and to enhance the property check out list.

You will have a full opportunity, as will all interested parties, to make a formal input to EPA's plan for cleanup when the proposed remediation plan is open for public comment. We are working to have that occur in December. That will lead to some final decisions about EPA's cleanup approach.

EPA should not leave vermiculite in the walls. One of the facts that made the Libby experience such a tragedy was the multiple pathways of exposure that citizens encountered. Because of your past work on this subject, you know how prevalent the exposure was, and you know the results of that exposure. We are operating on a "worst – first" basis of removing that material that seems most likely to pose a hazard. Therefore, we are taking vermiculite out of the attics and leaving it in the walls where we believe it can be contained. We have also cleaned up major buildings in the town that contained extensive amounts of this material, such as buildings associated with the mine operations and several schools in Libby.

I understand that we have worked with you as you were doing remodeling during the EPA cleanup. Under that circumstance, we will go beyond the normal practice and remove a wall and the enclosed material. I understand that the cost of removal from your home was more than three times the average cost in Libby which suggests to me that we tried to help you solve the problems about which you are now concerned.

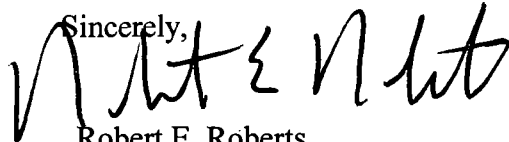
EPA is spending too much money on rental vehicles which are used for personal purposes, while claiming that there is insufficient money to do proper cleanups. You stated to me that were spending \$1500 a month on a new truck that was being used for hunting and fishing. Our contractor has two car rental agreements, one with a company in Kalispell and one with a company in Libby. The contractor added the second contract when the County Commissioners complained that the money was not being spent locally. The Libby contract, which is for less than you stated, is for four vehicles, and the Kalispell contract, which is for less than you stated, is for 17 vehicles. The contractor provides its workers with a certain amount of gas money and the contractor's employees pay for use above the amount of the gas allowance. They are allowed to use the vehicles for personal use, but they pay for that. Cars are required in Libby for the contractor to be able to do their job.

You asked for the complete records of the cleanup of your house and were told to file a Freedom of Information Act (FOIA) request for those records. Each owner of a property that has been cleaned up has been provided a substantial number of records including such items as the work plan, the agreement with the homeowner, and sampling data. Where the owner has wanted more information – which has happened relatively rarely - our policy has been to ask for a FOIA request (1) to help organize and track the very significant administrative requirements associated with copying and providing very large files, (2) to have a record of who had received which records, and (3) as one step of a process of assuring that records were only released to owners of properties. We do not believe that this administrative requirement posed an unreasonable burden. However, because of your concern, I have asked that your call to me be treated as a FOIA request and a copy of the file will be provided to you shortly.

Mr. Sullivan, you asked me what would happen if we got this cleanup wrong. My answer is that we are working very hard to make sure that we don't get it wrong. While I understand that you do not agree with some EPA actions in Libby, be assured that we understand how important getting this project right is, and I assure you that we are listening to the public through a variety of channels, and will continue to do so.

I trust this information is helpful.

Sincerely,



Robert E. Roberts
Regional Administrator

cc: Richard H. Opper, Director
Montana Department of Environmental Quality
John Wardell, Director
U.S. EPA Montana Operations Office

